

FILED*10 OCT 28 15:18 USDC-ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JERI L. ANDERSON,
Plaintiff,

Civ. No. 10-37-CL

v.

MICHAEL J. ASTRUE, Commissioner,
Social Security Commission,
Defendant.

ORDER

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983).

I agree that this court lacks subject matter jurisdiction over plaintiff's complaint because the Commissioner has not issued a reviewable, final decision. Accordingly, I ADOPT the Report and

Recommendation of Magistrate Judge Clarke.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#15) is adopted. Defendant's motion to dismiss (#9) is granted.

IT IS SO ORDERED.

DATED this 28 day of October, 2010.

A handwritten signature in cursive script, reading "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE